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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91163791
Party	Plaintiff BIG O TIRES, INC. BIG O TIRES, INC. 12650 EAST BRIARWOOD AVENUE CENTENNIAL, CO 80112 UNITED STATES
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Submission	Motion to Extend
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Date	08/01/2005
Attachments	I-5156 EOT 080105.pdf (3 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BIG O TIRES, INC.,

Opposer,

vs.

WHEEL SPECIALTIES. LTD.,

Applicant.

Opposition No. 91163791

MOTION FOR EXTENSION OF TIME FOR OPPOSER ONLY

COMES NOW the Opposer, Big O Tires, Inc., by and through counsel, and moves the Trademark Trial and Appeal Board ("Board") for an order resetting the dates established by the Board's January 13, 2005 Order. Specifically, Opposer requests a two (2) month extension of the discovery period for Opposer alone, and a two (2) month extension of all trial dates.

Applicant's discovery responses indicate that it will produce documents, but it has failed to do so to date – despite relying on its document production in lieu of answering at least one interrogatory. Opposer served its written discovery early enough to enable it to serve supplemental or follow-up discovery on Applicant. However, Applicant's failure to produce documents (as well as the deficiency of its discovery responses, generally) has frustrated such efforts.

The discovery should be extended for Opposer alone. Applicant has not served any written discovery on Opposer, and, on information and belief, Applicant will not have done so by the close of discovery. If discovery were extended for *both* parties, then Applicant would enjoy a privilege to which it would not otherwise be entitled, and only because of its own failure to

completely respond to Opposer' s written discovery. Accordingly, the discovery period should be extended for Opposer alone.

Pursuant to Trademark Rule 2.121(d), this stipulation sets forth the dates as requested to be reset:

DISCOVERY PERIOD TO CLOSE:	October 1, 2005
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	December 30, 2005
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	February 29, 2006
Rebuttal testimony period to close (opening fifteen days prior thereto)	April 12, 2006

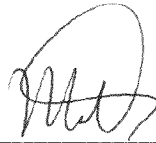
This request is not made for the purpose of unduly delaying proceedings in the Patent and Trademark Office.

This request is submitted in triplicate.

Respectfully submitted,

BIG O TIRES, INC.

By:



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August 1, 2005
Atty. Dkt. I-5156

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing Stipulation
for Extension of Time to be served by first-class mail, postage prepaid, upon counsel for Applicant:

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this 1st day of August, 2005.